



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

James & Carla Salerno/Map 263, Lot 91

May 7, 2015

**Applicant: James & Carla Salerno
78 Long Island Road
Moultonborough, NH 03254**

Location: 78 Long Island Road, Moultonborough, NH (Tax Map 263, Lot 91)

On May 6, 2015, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of James & Carla Salerno (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B (3) to allow the placement of an accessory structure (8 ft. x 40 ft. storage shed) located 9 ft. from the side property line where 20 ft. is required and located 20 ft. from the front property line (right of way), where a 25 ft. setback is required on the parcel located in the Residential Agricultural (RA) Zoning District.

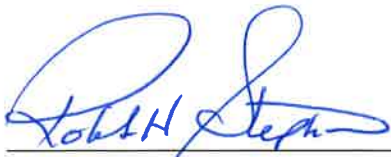
Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 78 Long Island Road, Moultonborough, NH (Tax Map 263, Lot 91).
- 2) The applicants are the owners of record for the lot.
- 3) James & Carla Salerno were present at the Public Hearing to present their application to the Board.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 5) The owners of the property operate a legal customary home occupation on the property and have a valid permit to do so.
- 6) The proposal is to allow the placement of an accessory structure (8 ft. x 40 ft. storage shed) located 9 ft. from the side property line where 20 ft. is required and located 20 ft. from the front property line (right of way), where a 25 ft. setback is required.
- 7) One abutter spoke in favor of the placement of the shed in the corner and noted that if it was moved to a conforming location it would have more of a negative effect on abutters and all who drive by.

- 8) Three abutter letters were noted for the record stating that they had no objections with the proposed location of the shed as presented.
- 9) Granting the Variances would not be contrary to the public interest as it would not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public because the proposed location is best suited for the neighborhood as opposed to locating the storage structure where it complies with the dimensional requirement of the ordinance.
- 10) Granting the Variances would be consistent with the spirit of the Ordinance because it would allow the applicant the reasonable and permitted customary accessory use of a storage structure while locating it in the most unobtrusive to the neighborhood location on the parcel.
- 11) By granting the Variances, substantial justice would be done because there is no public benefit to be gained by requiring the storage structure to comply with the setbacks, while the loss to the applicant and neighbors would be great because in its requested location, the structure is screened from view.
- 12) Granting the Variances would not diminish the value of surrounding properties as the proposed location screens the storage structure from view the greatest amount in only this location.
- 13) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as there is not a fair and substantial relationship between the general public purpose of the dimensional requirement and the specific application of that provision to this property because compliance with the aforementioned requirement would result in a negative effect on the applicant and neighbors and that the use is a reasonable one because having a storage structure is a customary accessory use in the zoning district.
- 14) On May 6, 2015, the Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, St. Peter, Jenny, Onthank) and one (1) opposed (Nolin) to grant the request for the variance to allow the placement of an accessory structure (8 ft. x 40 ft. storage shed) located 9 ft. from the side property line and located 20 ft. from the front property line (right of way), with the condition that the existing fence that serves to screen shall remain and be maintained so long as the storage facility remains, and the variance is for a metal storage container, and does not pertain to a future stick-built structure in that location; and further to close the Public Hearing and to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on May 20, 2015, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of three (3) in favor (Stephens, Nolin, St. Peter) and two (2) abstentions (Zewski, Bickford) as they were not present for the hearing on May 6, 2105.

The decision made to grant the variance on May 6, 2015, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.



Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date 5-21-15